SUBMISSION BY THE

CANADIAN LABOUR CONGRESS

TO THE

PARLIAMENTARY COMMITTEE ON EQUALITY RIGHTS

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[redacted]

I. Introduction

The Canadian Labour Congress was established in 1956 for the purpose of advancing the economic and social welfare of Canadian workers and forwarding the interests of affiliated trade unions. Approximately 80 unions are now affiliated with the Canadian Labour Congress, together with 12 provincial labour federations, and 140 labour councils across Canada. Through its affiliates, as well as through 66 directly chartered unions, the Canadian Labour Congress represents approximately 2,050,000 employees, from every province and territory of Canada, who are engaged in virtually every sector of the Canadian economy. A significant component of the membership of the Canadian Labour Congress (approximately 40%) is composed of federal and provincial public sector employees.

The objectives of the Canadian Labour Congress include promoting the principles of free collective bargaining and the unionization of the work force, advocating legislation which will protect the interests and safeguard the rights of workers, and protecting and strengthening our democratic institutions. Accordingly, the Canadian Labour Congress has a special interest in and commitment to reducing inequalities which restrict the opportunity of many Canadian workers to fully participate in and share in the benefits of Canadian society.

Trade unions have historically played a significant role in the struggle for equality in Canada. Trade unions have fought for equality for workers through various vehicles, including collective bargaining, education, legislative reform and political action. Moreover, by seeking to organize those groups of workers who are presently unorganized, trade unions fulfill a vital role in advancing the claim of these workers for equality. We believe that unions today constitute one of the most effective vehicles through which individual Canadian workers can strive towards achieving equality in employment, and in society in general. It is only through the collective strength that comes with unionization that individuals can further their just economic and social interests, remove those barriers which impede full and equal participation in Canadian society, and protect and advance their freedom to participate in and benefit from those fundamental decisions which determine the extent to which Canada is truly a "free and democratic society".

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Historically, the struggle for equality has of necessity taken unions beyond the arena of the workplace. For example, unions have played an important part in campaigns against racism and for sexual equality. With the Canadian Human Rights Commission, we developed a course on "Human Rights and Trade Unions". The CLC also played an active part in helping Indo-Chinese refugees in 1979-80, and was one of the organizers of the 1983 conference on "Multi-Culturalism in the Work Place: Problems and Opportunities". The CLC has a program of information and education on important issues concerning civil liberties and human rights.

We have divided this brief into two main sections. The first section discusses the Charter, and section 15 in particular, in general terms, and attempts to give meaning to section 15 of the Charter by placing it in the overall context of Canadian society. In the second section of this brief, we deal with several issues arising under section 15 which are specifically related to and which impact directly upon the interests of Canadian workers. The issues discussed include legislation affecting collective bargaining and other rights of public sector employees, inequalities in the design and administration of unemployment insurance and pension legislation and the critical role which affirmative action, including equal pay for work of equal value, must play in order to insure that equal opportunities and benefits are afforded to all members of Canadian society.

Our intent in this brief is not to provide an exhaustive analysis of all of the particular legislative provisions which might be said to be inconsistent with the equality rights guaranteed by section 15 of the Charter. Rather, the purpose of this brief is to set out the CLC's position concerning the appropriate approach to the meaning of equality as guaranteed by section 15 and to identify some of the more important areas of public policy in which legislative reform is necessary if the promise of equality held out by section 15 is to be implemented in a meaningful way.

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II. General Considerations

(a) The Charter, the Courts, and Government

The interpretation of the fundamental constitutional values guaranteed by the Charter will be expounded by the Courts over the course of many years. We hope and expect that during this process of constitutional adjudication, Canadian judges will be informed by an awareness of the realities of Canadian society. It should be recognized that the rights and freedoms guaranteed by the Charter reflect certain modern values. They cannot and should not be interpreted in isolation as embodying only eighteenth century beliefs concerning the relationship between the individual and the state. Rather, the Canadian Charter of Rights and Freedoms was enacted in the context of the modern state, which it is now recognized must play an important role in ensuring effective and substantive equality of opportunity by redressing existing economic and political disparities. In this regard, regulation should not necessarily be viewed as a threat to freedom, but in many cases as a necessary prerequisite to its protection and enhancement. It is no longer sufficient to safeguard only formal equality.

The actual language employed in the Charter recognizes that government has a positive role to play in advancing individual rights and freedoms. For example, section 6(4) of the Charter provides that "mobility rights" are subject to "any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged if the rate of employment in that province is below the rate of employment in Canada". In addition, section 15(2) of the Charter expressly sanctions "any law, program or activity that has as its object the amelioration of condition of disadvantaged individuals or groups". Moreover, section 36 of the Constitution contains a commitment by the various governments of Canada to promoting equal opportunities for the well-being of Canadians, to furthering economic development so as to reduce disparity in opportunities, and to providing essential public services of reasonable quality to all Canadians.

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Of course, we recognize that it is also necessary that workers pool their collective strength and resources so that they can fully and freely participate in Canadian society. Indeed, the political, social and economic rights of individual workers would be illusory in the absence of the collective strength and protection that is achieved through unionization:

> "In an age of interdependence and large scale organization, in which the individual counts for so little unless he acts in cooperation with his fellows, freedom of association has become the cornerstone of civil liberties and social and economic rights alike. It has long been the bulwark of religious freedom and political liberties; it has increasingly become a necessary condition of economic and social freedom for the ordinary citizen.... Freedom of association by highly organized and powerful economic interests calls for a counterpart in strong leadership in the public interest by the state. But strong leadership by the state without the counterpart of such freedom of association can be dangerous for political as well as for economic and social freedom...Mass production involves large concentrations of economic power which had made the individual craftsmen powerless. In such a situation, the alternatives are democratic labour organizations or a slave state....Without being in any sense an end in itself, freedom of association for trade union purposes is a major postulate of democratic government in an industrial society."[1]

It is also hoped that the courts will be sensitive to the fact that the Charter was enacted against a background of various international covenants which have been ratified by Canada. These include the International Covenant on Civil and Political Rights, the International Covenant on Social, Economic and Cultural Rights, the Convention on the Elimination of all Forms of Racial Discrimination, the Convention on the Elimination of all Forms of Discrimination Against Women, and International Labour Organization Convention No. 87. An examination of these international documents reveals that Canada has declared its support for the right to social security, to the enjoyment of just and favourable conditions at work, and to an adequate

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[1] C. W. Jenks, Human Rights and International Labour Standards, Stevens & Sons Limited, 1960, p.49

standard of living, including adequate food, clothing and housing. Further, these conventions recognize the importance of the right of workers to form and join trade unions both to ensure social and economic progress and to safeguard human rights. The principles embodied in these conventions should inform the interpretation of all provisions of the Charter.

Apart from its place as a legal document to be construed by the courts, the Charter serves as a pronouncement of the fundamental values of Canadian society. The legal and moral consequence of entrenching equality rights in the Charter is to affirm and acknowledge a commitment to reduce inequality. As such, the guarantee of equality in the Charter should constantly guide governmental policy and action. To guarantee the right to equality in section 15 of the Charter is to impose more than the negative injunction to refrain from violating the equality rights of individuals.

Consequently, the Charter of Rights and Freedoms should not be viewed as a substitute for parliamentary decision making with respect to controversial issues, nor should it be used as an excuse to defer the government's obligation to initiate legislation. The legislative forum is an appropriate one for balancing the conflicting interests which lie at the heart of many disputes over the meaning and application of equality. The judiciary does not represent the only mechanism for enforcing rights and freedoms under the Charter. There is a co-ordinate responsibility on the part of other branches of government to promote and protect such rights and freedoms. It must become an ongoing permanent part of governmental policy to design and implement legislation which promotes equality, rather than awaiting a finding of constitutional invalidity by the courts. Individuals should not be required to challenge governmental conduct in the courts because governments have adopted a "wait and see" attitude toward equality issues.

While, the federal government itself appears to recognize the need "to spare Canadians legal confrontation over constitutional rights",[2]

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[2] Discussion Paper on Equality Rights, p.1

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we note that the government thus far has acted concretely in respect of the most overt and low-level examples of discrimination which are within its jurisdiction to rectify. It is hoped that this Committee's report will signal an increasingly active effort by the government to implement the guarantee of equality contained in the Charter.

Notwithstanding the continuing importance of legislative action in ensuring equality, there is no doubt that the Supreme Court of Canada will increasingly issue decisions under the Charter which affect broad and fundamental issues of public policy. Decisions reached by the Supreme Court of Canada concerning the scope of the rights and freedoms guaranteed by the Charter, and whether or not limitations on such rights and freedoms are demonstrably justified under section 1 of the Charter, will have a significant impact on many individuals, groups and organizations other than those directly involved in the litigation giving rise to any particular challenge under the Charter. In this regard, the court must have before it all of the relevant data, evidence and argument necessary to make an informed and sensitive decision. It cannot be assumed that the immediate parties to the litigation will be in a position to illuminate for the court all aspects of the issues involved. The right to be heard should not depend on the accident of litigation. The acceptability of decisions and respect for the law can only be assured if those affected by these decisions are given an opportunity to be heard. For these reasons, representatives of various groups potentially affected by a particular Charter decision must be able to participate in the decision-making process in a manner consistent with the participatory political principles which underlie the Charter's invocation in section 1 of "a free and democratic society".

However, the present practice regarding interventions before the Supreme Court of Canada by non-parties, including organized groups of affected individuals, unduly restrict the right to participate in the decision-making process. This situation is particularly unfair because, pursuant to the Rules of the Supreme Court of Canada, the Attorneys General

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of the provincial and federal governments are entitled to intervene on constitutional questions without obtaining leave from the Supreme Court of Canada, whereas other persons may do so only with leave of the Court, which is rarely granted. Indeed, the special privilege given to governments to participate in Charter cases before the Supreme Court of Canada is clearly inconsistent with the principle of equality under the laws guaranteed by section 15 of the Charter. Accordingly, and in light of the importance of Charter decisions reached by the Supreme Court of Canada, the public interest in the administration of justice would be better served by allowing interventions by affected groups either through written briefs or oral presentations and by putting all who appear before the Supreme Court of Canada on constitutional issues equal footing. We would urge this committee to make a recommendation in this regard.

(b) The Meaning of Equality under the Charter of Rights

The meaning of equality is not self-evident and we would not expect there to be agreement among all sectors of society as to its content. We would suggest, however, that the equality rights contained in the Charter involve four distinct but inter-related elements. First, equality rights involve the right to be free from overt discrimination. Second, equality rights involve the right to have differences among individuals accommodated and taken into account in order to promote true and effective equality of opportunity. Third, equality rights involve the right to the removal of barriers, which, while not overtly discriminatory, nevertheless result in a denial of equality of opportunity. Finally, equality involves the right to the enactment of special measures which compensate for past discrimination.

Overt discrimination occurs when any benefit, service or privilege is denied a person solely on the basis that the person is a member of a particular group such as those enumerated in section 15 of the Charter. This kind of overt discrimination denies affected individuals equal treatment for reasons which have nothing to do with their ability or worth as human beings.

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It is self-evident that any federal laws or actions that exhibit or permit this kind of treatment are unconstitutional under section 15 unless they can be demonstrably justified under section 1 of the Charter.

Paradoxically, however, we must be aware that we can also be guilty of discrimination by treating all people in the same way. Thus, for example, the failure to grant women maternity leave, or a disabled person wheelchair access to the workplace, may not be overtly discriminatory treatment, but if a woman alone must assume the financial burden of child-bearing, or if a disabled person is refused employment because of lack of access, surely it cannot be said that these people have been treated equally in comparison with other members of the work force. The principle of equality as freedom from discrimination means not only that like persons must be treated alike, but also that differences in people must be recognized and accommodated if doing so would promote equality of opportunity.

Thirdly, discrimination may also arise where barriers to equal opportunity are not removed, whether they are in the form of discriminatory job requirements or social and economic impediments. We view section 15 as also encompassing this notion of equality. The clear consequence of this conception of equality is that section 15 places affirmative obligations on the government to remove those barriers which impede the opportunities of any Canadians to participate equally in Canadian society.

These barriers may on their face appear neutral, for example, a requirement that employees be a certain height. Nonetheless, even "neutral" requirements, imposed without any discriminatory intent, may have a discriminatory impact. The government itself has acknowledged this fact in its discussion paper. It is our view that if the purpose of section 15 is indeed the removal of discriminatory barriers which impair the opportunities of certain groups and reduce the distribution of benefits to them, then these must be dismantled whether or not any intent to discriminate exists.

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An interpretation of section 15 which recognizes that apparently neutral policies which have a discriminatory effect may be offensive to the principle of equality is consistent with Canada's international obligations under the Convention on the Elimination of Racial Discrimination, the Convention on the Elimination of Discrimination Against Women, and the International Covenant on Civil and Political Rights, all of which have been interpreted to prohibit discriminatory effect.

More importantly, however, in considering barriers to equality, we must acknowledge the enormous economic and social inequalities which exist in Canada and constitute very real obstacles to equal opportunity for all Canadians. For example, according to most recent Statistics Canada data on wealth distribution in Canada, the poorest 20% of all families and individuals in Canada in 1977 held only 8.6% of the total wealth, while the richest 20% held 44.4% of the total wealth in that year. As to the distribution of income, in 1983 the poorest 20% held 4.4% of total money income, while the richest 20% held 43.2% of total money income. A definition of equality which does not address those barriers that are imposed on people by virtue of their economic position in life cannot fully realize the promise of equal opportunity for all. As one commentator has noted,

> "[If] A has been raised with all the advantages of health, the best education money can buy, and encouragement to become a lawyer while B suffered from malnutrition, little instruction, and less incentive, then we also think that equality has been violated."[3]

The notion of equality rights under the Charter must take account of the reality of economic inequality. Canadian law must avoid embodying the description given to French law by Anatole France which "in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread." Any concept of equality must address the impediments to individual freedom imposed by such barriers as unemployment, lack of education, inadequate housing, and inaccessible health services.

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[3] Jane English, ed. Sex Equality, Prentice Hall, 1977, p.3.

Indeed, few of the Charter guarantees are unaffected by the distributive realities of our society. To offer only a few examples, a person's ability to exercise freedom of expression depends to a very large extent on the economic resources which he or she can command, and the guarantee of mobility rights means little where the freedom is really one of choosing between being unemployed in one province or in another. At the most basic level, access to a remedy under the Charter is an illusory right for many Canadians who cannot afford their "day in court" or who do not even know that their rights have been infringed. In order to give real content to the concept of equality, the government must take affirmative steps to reduce the existence and impact of present economic inequality.

Finally, as set out in more detail later in this brief, it is our view that government and business have affirmative obligations to promote equality by putting in place special measures to compensate for past discrimination and improve the economic status of disadvantaged groups. As a result, it is our view that affirmative action is an essential component of the guarantee of equality.

(c) Equality for Whom

The government has recognized, in its discussion paper, that the grounds specifically listed in section 15 of the Charter are not exhaustive of the possible grounds of a complaint of denial of equality under the Charter. Determining which other groups in society are to be protected in a similar manner will involve difficult philosophical and legal considerations. It is our view, that at the very least, the list should include those groups which, like those specifically referred to in section 15, have historically been victims of prejudice, discrimination, stereotyping, and political powerlessness. On this basis, distinctions based on matters such as sexual orientation, citizenship, and marital or family status, should clearly be subject to review under section 15 of the Charter.

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As well, when legislation effectively treats some persons differently from other persons with respect to such important social and economic matters as education, collective bargaining, health care, and government entitlement programs, including unemployment insurance and the Canada Pension Plan, then such legislation should be regarded as being subject to the equality provisions contained in section 15. This approach is justified by the importance in the twentieth century of social and economic rights and interests, as well as by the international commitments made by Canada recognizing these rights. While access to these social and economic benefits may not be guaranteed directly or expressly by the Charter, section 15 should be viewed as ensuring that the government does not act in a discriminatory manner in the distribution of those important social and economic benefits which are intended themselves to reduce inequality.

Further, both legislatures and courts are specifically directed by section 28 of the Charter to insure that any distinctions based on sex are subject to special restrictions. The history of section 28 makes clear that its purpose is to eliminate the possibility that courts might, through the application of section 1 of the Charter, construe a law that discriminates against women to be a reasonable limit on equality, or that legislatures might enact legislation under section 33 overriding Charter guarantees of sexual equality. This is evident from the text of section 28, which provides that the guarantee of sexual equality applies "notwithstanding anything in this Charter". In light of section 28, any law or policy which makes distinctions in treatment afforded to men and women is unconstitutional.

III. Application of Section 15

(a) Equality Rights and Public Sector Employees

We believe that one of the most significant issues concerning the application of section 15 of the Charter arises from the inequality of collective bargaining rights between public and private sector employees.

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There are a number of ongoing restrictions in federal law which significantly limit the ability of federal government employees to effectively bargain with their employer.

As an employer of a significant number of workers in Canada, the federal government has a major role to play in Canadian labour relations. The federal government should set an example for private sector employers with respect to the standard of conduct to be followed in matters of labour relations. Recently, however, the federal government has used its legislative powers to enhance its position as employer by enacting in 1982, the Public Sector Compensation Restraint Act, which suspended the collective bargaining process, and with it the collective bargaining rights of employees. For an extensive period, this statute reduced the scope of collective bargaining in the public sector, in the words of one commentator, "to the vanishing point",[4] by singling out public sector employees for wage controls, and prohibiting bargaining with respect to all other matters. While the CLC is opposed to the imposition of bargaining controls in general, there can be no possible justification for imposing bargaining controls on public sector employees alone.

However, it is not only in the extraordinary instance of public sector bargaining controls that federal legislation discriminates against public sector employees. The Public Service Staff Relations Act places severe limitations on what can be bargained by employees subject to its terms, by excluding from negotiations matters such as pensions, appointment and promotion, selection standards, assignment and transfer, job security, redundancy and layoff, probation, training, performance evaluation, and classification of positions. The combination of all of these exclusions means that the matters left to be bargained are a shadow of those which can be dealt with in private sector negotiations. As a result, federal government employees are left unable to bargain about a whole range of

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[4] Kenneth Swan, "Safety Belt or Strait Jacket? Restrictions on the Scope of Public Sector Collective Bargaining" in Essays in Collective Bargaining and Industrial Democracy Papers presented at the conference on Collective Bargaining,.School of Management, University of Lethbridge, September 9-11, 1982, p.21

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management decisions. Such sweeping restrictions unquestionably deny equality rights to federal public sector employees.

We would point out that some provincial governments do not see the need to restrict the scope of public sector collective bargaining in the same way as the federal government. In Manitoba and Saskatchewan, for instance, public employees fall under the general labour relations statutes, and are subject to very few restrictions on their bargaining rights. There are no convincing arguments as to why the restrictions in the Public Service Staff Relations Act should remain, or as to why federal government employees should not be entitled to engage in collective bargaining under the Canada Labour Code together with other employees within federal jurisdiction. Accordingly, the CLC recommends that all of the issues now included in private sector negotiations must be negotiable matters in the public sector.

Another way in which federal government employees are treated unequally compared to other Canadians is in the area of political rights. The Public Service Employment Act prohibits any employee from engaging in work for, on behalf of, or against any candidate or any political party with respect to elections for the House of Commons or any provincial or territorial legislatures. The few exceptions specified in the Act entitling public employees to attend political meetings or make contributions to a candidate or party do not lessen the severe prohibitions under which public employees labour in the exercise of their political rights. There can be no justification for this discrimination against public employees, which affects all public employees regardless of the position held and the nature of the responsibilities assumed. Restrictions on the political rights of public employees should be removed.

Finally, we must briefly address the status of part-time workers in the federal public sector. The exclusion of certain part-time workers from the Public Service Staff Relations Act, by virtue of the definition of an employee contained in section 2, discriminates against these workers in general, by excluding them from collective bargaining. Further, it has

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a disproportionately greater impact on women, who make up 86% of all part-time workers in the federal public sector. Thus, women are disproportionately affected by legislation that excludes part-time workers from collective bargaining. The Public Service Staff Relations Act should be immediately rescinded and all federal public service workers be covered by the Canada Labour Code which would also extend collective bargaining rights to part-time workers.

(b) Unemployment Insurance

The Unemployment Insurance Act contains eligibility and benefit provisions which, either directly or indirectly, discriminate against individuals in a manner inconsistent with the requirements of section 15. In this section, we attempt to analyse some of the more significant discriminatory provisions set out in the Unemployment Insurance Act, but of necessity we have not provided an exhaustive review of every provision which can be seen as violating the requirements of equality.

The first area where unequal treatment arises is the discrimination on the basis of union affiliation which is sanctioned under section 44 of the Unemployment Insurance Act. At present, the Act denies unemployment insurance to all workers who have lost their employment by reason of a stoppage of work attributable to a labour dispute, including those employees who participate, finance or are directly interested in the labour dispute. Section 44 has been used to disentitle not only striking employees, but also those employees who have been locked out, those who have been laid off by their employer as the result of a strike by another local union representing employees of the same employer, and those workers who are not recalled at the end of a strike.

Employees who are not involved in a labour dispute have been denied benefits solely on the basis that they are members of the same union as other employees who are on strike, and are deemed to be "financing" the labour dispute where strike assistance comes from a common strike fund

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to which all union members contribute. This notion of "financing" a labour dispute clearly discriminates on the basis of union affiliation, and is inconsistent with the right of workers to join the union of their choice.

In the case of workers who are not recalled at the end of a labour dispute, the Commission considers that a work stoppage is not terminated until the production level or the number of employees returning to work reaches 85% of the total existing prior to the work stoppage. Until this point is reached employees who are out of work are not entitled to benefits. This 85% rule has no foundation in the Act nor in the regulations, and denies workers benefits even after the completion of a strike.

As well, the Act disentitles not only individual workers who are participating in, financing or directly interested in a labour dispute, but also disentitles individual workers who belong to a grade or class where any one of the members of that grade or class participates in, finances, or is directly interested in a labour dispute. This provision has been interpreted to deny benefits to a worker who takes no part in a labour dispute, where even one other person in his or her grade or class participates by picketing or some other activity, if he or she is laid off as a result of a strike. This provision denies benefits to individual workers without regard to their actual role in the labour dispute.

There can be no justification for treating such unemployed workers differently from all other unemployed workers. The failure to provide benefits to such workers deprives them of the equal benefit of the unemployment insurance scheme to which they have made contributions. We would recommend immediate modification of section 44 to ensure that it no longer discriminates on the basis of union affiliation by denying benefits to workers in the circumstances referred to above.

A second way in which the Act as presently designed results in unequal treatment is by differentiating among regions with respect to length of qualifying period for benefit entitlement. The qualifying

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period for a regular claimant varies from 10 to 14 weeks, depending on the regional rate of unemployment. These provisions treat individuals in accordance with the general conditions of their region of residence, rather than their personal employment circumstances. The two are not necessarily the same; a woman or native person in Victoria who cannot meet the qualifying period for benefits cares little that the rate of unemployment in the Victoria region is less than in the region of Sudbury/Sault Ste. Marie.

The solution to this form of discriminatory treatment should not be to raise the qualifying period for all employees to fourteen weeks. Inequality is not cured by treating everyone poorly. Rather, the qualifying period should be altered to provide benefits to all workers who have a sufficient attachment to the work force. In this regard, the CLC has long advocated an eight-week qualifying period for all employees regardless of where they happen to live.

A third way in which the Unemployment Insurance Act is inconsistent with section 15 of the Charter involves the manner in which benefits provided under the Act discriminate against women, especially in the areas of entrance requirements, maternity benefits, and benefits for part-time employees.

For persons who are already in the work force, 10 to 14 weeks of work are necessary in order to qualify for benefits, the actual number being dependent on the regional rate of unemployment. The act requires that new entrants and re-entrants to the work force have at least 20 weeks of work during the qualifying period in order to be eligible for benefits. The distinction between new entrants (or re-entrants) and other workers appears neutral on its face. Yet in fact it has a disproportionately adverse effect on women, since many women work on an intermittent basis, with interruptions for child-bearing and other responsibilities. As well, many women are required to enter the work force for the first time late in life, for example on marriage breakdown, when economic necessity forces many women to join the paid labour force. As well, these eligibility requirements

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also have a discriminatory impact on young employees entering the work force for the first time. Given the discriminatory effect of the stricter eligibility requirements for new entrants on women and young employees, we urge the repeal of these requirements.

Another way in which the Unemployment Insurance Act discriminates is in its present treatment of maternity benefits. Under the Unemployment Insurance Act, maternity benefits are available only to the mother of a child. This is the case even though adoption benefits contained in the Unemployment Insurance Act permit the payment of these benefits to either adopting parent. While a woman should receive full benefits for the time when she is physically incapacitated by reason of pregnancy, where there are two parents they should be able to choose which will stay at home for the period following childbirth, or to share the parental benefits provided.

Moreover, the bearing of children is not merely a personal matter, but one which contributes to society in general and as such should be regarded as a social responsibility. As the Canadian Labour Congress recognized in its policy statement on Equality of Opportunity and Treatment for Women Workers in 1976, "maternity is a social function." As a result, the CLC supports the concept that maternity benefits should be fully paid and parental leave should be extended to both parents.

The Act also discriminates against women as a result of its treatment of part-time workers. In May, 1985, 26% of all women in the employed labour force worked part-time as opposed to 7.9% of employed men. In that same month, women constituted 71.2% of all part-time workers in Canada. We object to the growing practice of many employers who use part-time workers in order to avoid the cost of providing benefits and adhering to legislative labour standards covering full-time workers. Part-time workers should be given the same benefits and protections that are available to other workers. The unemployment insurance scheme, however, does not recognize work as insurable employment unless it amounts to 15 hours a

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week for one employer, or 20% of the maximum insurable earnings. Thus, most employees who work less than 15 hours per week, or who have several part-time jobs for different employers, none of which amount to greater than 15 hours, do not qualify for benefits. Unemployed part-time workers, no less than unemployed full-time workers, need the replacement income provided under the unemployment insurance scheme. In order to rectify this discriminatory treatment of part-tme workers, unemployment insurance benefits should be paid to workers regardless of number of hours worked. The CLC supports amending Act to require benefits to be paid to part-time workers who earn at least 10% of the maximum insurable earnings.

A fourth way in which the Unemployment Insurance Act is inconsistent with the requirements of section 15 is in its treatment of farm workers. Under section 16 of the Regulations, a farm worker must, in addition to the regular eligibility requirements, work at least seven days for the same employer before his or her unemployment becomes insurable. The government has sought to justify this discriminatory provision as easing the administrative burden on farmers. This rationale cannot justify the imposition of harsher eligibility requirements on farm workers, especially given that they have a particularly strong need for protection in all aspects of their employment, including the unemployment insurance scheme. Indeed, in a letter to the President of the CLC received in July, 1983, the then Minister of Employment and Immigration, the Honourable Lloyd Axworthy, acknowledged that section 16 might well be in contravention of section 15 of the Charter. The CLC requests that this Committee recommend the immediate repeal of section 16 of the Regulations so that farm workers are not singled out by being subject to a seven-day period of employment in order to establish eligibility for benefits.

Certain other provisions of the Act discriminate on the basis of age in an unjustifiable manner. Section 31(4) of the Act provides that no worker over the age of 65 years can receive unemployment benefits. This constitutes an arbitrary cut-off point, which denies elderly workers the benefits available to all other workers, and as such discriminates on the basis of age contrary to section 15 of the Charter. The age 65 cut-off date for unemployment insurance benefits should be removed.

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Finally, one of the most significant discriminatory features in the administration of the Unemployment Insurance Act is its failure to accommodate those persons who speak neither English nor French, or who have limited education. Claimants are often penalized for failing to understand or comply with the detailed and complex legislative provisions governing matters such as filing requirements and the definition of insurable earnings. As a result, many people are denied benefits or are ordered to repay benefits received, solely because no one provided these claimants with adequate and clear information concerning their rights and obligations. The failure to accommodate the language needs of claimants who speak neither of Canada's two official languages and the failure to explain the relevant legislative provisions to all claimants, must be viewed as a failure to provide such individuals with the equal protection and equal benefit of the law. The CLC therefore recommends that increased efforts be made to explain the relevant legislative provisions to all persons and that claimants not be prejudiced by their failure to understand the requirements of the Unemployment Insurance Act.

(c) Pensions and Retirement Policy

A just and comprehensive pension policy is essential if we are to address the problem of widespread poverty among Canada's elderly. The lack of an adequate retirement income disables many older members of our society from equal participation in the family, social and community life which should be available to all. It is alarming that upon retirement, approximately 56% of single, divorced or widowed elderly men and women in Canada live below the poverty line.

The CLC has had a long history of involvement in discussions on pension reform. We have tended to focus on improvements to public pension benefits because, in our view, it is only through the vehicle of public pensions that our society can guarantee adequate retirement incomes for the elderly. Thus, our most important priority has been and will continue to be to increase the benefits available under the CPP and QPP as a vehicle for establishing true equality without discrimination on the basis of age.

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However, there are at present many inequalities in both public and private pension plans which must be redressed if the government is to comply with the requirements of section 15 of the Charter. The first issue concerns the use of sex-differentiated actuarial tables to establish different benefit levels for women and men under money purchase pension plans. The use of sex-based actuarial tables results in women receiving lower monthly pensions than men even if they have accumulated the same amount of pension fund assets. The basis for such differentiation in benefits is that women on average have a longer life expectancy than men and thus will be drawing on pension benefits for a longer period after retirement. However, the use of such sex-differentiated actuarial tables, while accurate in statistical terms, results in unfairness to women by treating them adversely as a result of generalizations based on a discriminatory ground. As the United States Supreme Court stated in City of Los Angeles v. Manhart, when it struck down the use of sex-based actuarial tables, "if height is required for a job, a tall woman may not be refused employment merely because, on the average, women are too short."

We note that the federal government itself has recognized the existence of sex discrimination in pension plans, and that federal legislation has been proposed to amend the Pension Benefits Standards Act to prohibit discrimination in the amount of benefits received on the basis of sex. However, we consider the proposal in the May, 1985 budget papers which would allow pension plan sponsors to choose one of several methods for equalizing periodic payments to be inadequate. Any method which continues to make use of sex-based actuarial tables will continue to treat men and women unequally, for instance, by requiring higher contributions for female workers. Requiring the use of unisex annuity factors is the only way of providing equal benefits for men and women that is acceptable in principle and guaranteed to work in practice. Section 15 of the Charter demands that the risk of longevity be pooled equally among men and women. The federal government should follow the example of Manitoba, which has enacted pension legislation prohibiting both differential rates or amounts of contributions and differential benefits based on sex.

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The Canadian Human Rights Benefits Regulations, enacted pursuant to the Canadian Human Rights Act, provide that certain pension benefits and contributions may discriminate on the basis of sex, so long as they are based on actuarial principles. On the basis of the foregoing considerations, and in order to comply with section 15 of the Charter, exempting provisions of the Canadian Human Rights Benefit regulations must be repealed.

There are, of course, many other discriminatory provisions contained in private pension plans sanctioned by federal legislation. The Pension Benefits Standards Act provides for vesting of pension plans governed by the Act only after an employee has reached 45 years of age and has acquired a minimum of 10 years continuous service for the same employer. This provision, apart from discriminating on the basis of age, also has a disproportionate adverse impact on women. As one observer has noted, the "likelihood that women will achieve vested status under a private pension plan is considerably lower than for men due to higher female turnover rates, which follow from child-bearing and raising responsibilities, as well as the poor quality of jobs open to them."[5] We recommend that the government's budget proposal to amend the Pension Benefits Standards Act be implemented so that the minimum vesting period would be reduced to two years.

The budget papers also propose to increase the portability of private pension plans, in response to the present unfairness to workers with high job turnovers, such as women and the young, that lack of portability imposes. The opportunity to transfer the value of vested benefits upon termination is important to those workers who switch jobs several times in their working lives. However, the CLC has always felt that increased portability is a poor second-best solution to mandatory inflation protection of vested benefits. The government had itself recognized this in its green paper "Better Pensions for Canadians", in 1982, which had

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[5] Claudia Losie, Charter of Rights Educational Fund Statute Audit Project, p.8.35

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proposed inflation protection in pensions. The retreat from this position is totally unjustified. The CLC recommends not only improved portability of pension plans but mandatory inflation protection.

Another inequality permitted by federal legislation governing private pensions is the present treatment of part-time workers. To date, pension standards legislation has failed to require that part-time employers be included in employer sponsored pension plans. We recommend that the government implement its budget proposal to require that pensions covered by the Pension Benefits Standards Act be available to part-time workers. We would further recommend that the threshold earnings level be reduced from the presently proposed level of $8,000 per year in 1985. Many part-time workers who have regular relatively long-term jobs will never be able to participate in these plans if the proposed level were adopted.

As well, the combination of vesting requirements and eligibility criteria contained in the budget proposal also entails a substantial disadvantage to part-time workers. The budget proposes, as noted above, that pension contributions will vest after two years of participation in a plan. However, since some employees may only be eligible for participation after two years employment, an employee could be required to work a total of four years before obtaining any vested benefits. In light of the fact that 44% of part-time workers do not even have a job lasting more than one year, this has a disproportionate adverse impact on their ability to achieve vested status. We would therefore recommend the achievement of vesting after two years of plan membership or two years of service with an employer, whichever first occurs.

A fundamental difficulty with both public and private pension plans in Canada is that they fail to give recognition to the fact that marriage is an economic partnership, in which the work done by both spouses contributes equally to the family whether or not it is income-earning work. As a result, pension entitlements tend to be treated as the sole property of the spouse with employment earnings. Since most private pension plans do not make any,

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or make inadequate, provision for benefits to be paid to a surviving spouse, spouses who have never worked in the paid labour force or who have not worked enough to entitle them to pension benefits, are not protected by pension plans. The federal government has recommended in its budget proposals that surviving spouses of plan members who have retired at the time of death be entitled to a minimum of 60% of the amount payable had both spouses lived; that pension benefits be subject to splitting by partners on marriage breakdown; that spouses as well as members have rights to information about the plan. The CLC supports these initiatives as preliminary steps in recognizing the right of spouses to share in pension benefits.

The recognition of the principle that marriage is a partnership of equals should also extend to the splitting of pension credits earned by the couple. Thus, the equal and joint contribution of both spouses to the couple's earnings should be recognized even in situations where one spouse had no earnings outside the home. The CLC recommends credit-splitting under the CPP/QPP in all marriages, whether or not marriage breakdown occurs.

Improvements to private pensions such as those outlined above would make them more equitable and would reduce the disparities in treatment among various groups. However, in light of the fact that only half of all workers and only one-third of women workers belong to private pension plans, it is clear that reform of the Pension Benefits Standards Act would not overcome the inadequacies of present income provisions for the aged. Accordingly, an increase in the benefits provided under the Canada and Quebec Pension Plans represents a crucial and necessary aspect of pension reform. Only public pension plans effectively provide for universal coverage, immediate vesting, full portability, full inflation protection, and ease of administration.

We would also like to draw the attention of the Committee to concerns that we have expressed in the past about the treatment of adult immigrants under Canada's public pension programs. The issue is that forty years of residence and/or work in Canada are now necessary to qualify for full benefits under both Old Age Security and the Canada and Quebec Pension Plans. As a result

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it is practically impossible for people establishing residence in Canada at ages over 25 to become entitled to full public benefits.

Pension plan reform in Canada is long overdue. The introduction of section 15 of the Charter provides both legal and moral authority for the immediate implementation of the changes advocated in this brief.

We feel it necessary to address very briefly the issue of mandatory retirement, as it is one area in which challenges under section 15 of the Charter have already been initiated, and which will potentially have an effect on the overall structure of retirement. Regardless of how the legal question is resolved, it is important to recognize that, even if mandatory retirement is restricted by the Charter, this does not constitute a solution to the problems confronting the elderly in Canada. The level of pension benefits which Canadians of retirement age enjoy cannot and should not be affected by the fact that they may be "entitled" by law to work.

Pension schemes must ensure that any older worker who wishes to retire will be able to do so without falling into the trap of poverty which surrounds many older people today. Further, by providing adequate levels of retirement income to older workers so that they are not forced to continue working, it is likely that there will be an increase in job opportunities for younger Canadians and under-represented groups of workers.

(d) Affirmative Action, Including Equal Pay for Work of Equal Value

Affirmative action programs form a crucial part of the obligations placed on the government by section 15 of the Charter to promote equality in employment. The CLC has defined affirmative action as "any action designed to overcome barriers to equality and to compensate for past and present discrimination, and to improve the economic status of the disadvantaged group". There are four groups in particular in Canada that are in need of such action in order that they may break free of the constraints of long-entrenched discriminatory barriers against them. These are women, visible

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minorities, the disabled and native people. All of these groups are over-represented in low-paying, undervalued jobs.

The voluntary implementation of affirmative action in Canada by business and government has proved totally inadequate to the achievement of equality in employment. There will be no significant progress in realizing equality if we continue to rely on "volunteer" employers. We note the present government has chosen to continue with the route of voluntarism, in its proposed measures on "employment equity", despite the marked lack of success of this approach. While the Abella report recommended mandatory affirmative action, the government has recommended only the mandatory reporting of voluntary action. If the goal of equality is to be taken seriously, we recommend that affirmative action legislation with an effective enforcement mechanism must be enacted to apply to all work places within federal jurisdiction.

It is the position of the CLC that the design and implementation of effective affirmative action programs requires the participation of workers. Where workers are represented by trade unions, the union must participate in the design, implementation, monitoring and overall enforcement of any affirmative action program, and be full and equal partners from the outset. Thus, we recommend that unions participate in the formulation and implementation of affirmative action legislation and that such legislation require that affirmative action programs be the subject of collective bargaining. Such legislation must be enacted so as to apply to both public and private sectors in the federal jurisdiction, if the government's obligations under section 15 of the Charter are to be met.

There are at least two distinct aspects to any effective affirmative action program. These include removing discriminatory barriers in the workplace, and the institution of special measures to compensate for both past and present discrimination, with the object of improving the employment opportunities of under-represented and disadvantaged groups. Examples of discriminatory barriers would be height and weight requirements

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that discriminate against women and some minority groups, lack of wheelchair accessibility, failure to take steps to assist immigrant workers in learning English or French, and failure to take steps to accommodate pregnant employees or employees with children.

Once these barriers have been identified and removed, problems with respect to the under-representation of these groups in many occupations will still remain. That is why an affirmative action program requires special measures designed to compensate for past and present discrimination, and to improve the economic status of the disadvantaged group. These measures include provision for equal pay for work of equal value, child care, parental leave, and as well the positive recruitment and training of workers from targeted groups. In this last regard, the CLC supports meaningful targets and timetables in order to measure the progress being made in affirmative action programs.

One example of an area in which such affirmative action plans are desirable is in industries which have operations in northern locations where there is a significant native population. The Abella Commission documented the frustrations of native people who are underutilized as a source of labour in the north, as southern non-native workers are transported into these operations to fill the best jobs. This is one area in which the federal government should use the mechanism of contract compliance in order to promote greater equality in job opportunities for native Canadians. However, any such affirmative action program involving native Canadians must also contain long-term commitments to the creation of permanent job opportunities, while at the same time being sensitive to the impact of the particular industry on the northern community and its physical, cultural and social environment.

In our 1983 brief to the Special Committee on Visible Minorities, we identified another important reason for supporting affirmative action programs as the need to employ role models for other members of disadvantaged groups who might otherwise believe such types of employment and status are closed to them. As well, members of targeted groups may have special skills

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and experience, particularly in the social or helping professions, which would enhance the quality of services provided by various social service, educational and other agencies.

One issue which has been raised is the potential conflict between affirmative action programs and seniority provisions contained in collective agreements. However, it is our view that employers must not be permitted to hide behind seniority provisions as an excuse for refusing to participate in affirmative action programs. As has been discussed above, affirmative action programs involve a multi-faceted approach to eradicating employment discrimination, which for the most part has no relationship to seniority provisions whatsoever. Further, seniority systems can in fact contribute to the success of affirmative action programs by removing or limiting the otherwise unfettered discretion of an employer to pick and choose among its employees in such matters as layoff, promotion, transfer, salary, and the provision of a multitude of benefits.

There are various ways in which seniority systems can be strengthened through collective bargaining to help fight the impact of past discrimination, and indeed positively complement affirmative action programs. For instance, women in traditional jobs should have the right to apply their seniority to retraining opportunities in non-traditional areas. Women should be able to continue to accumulate seniority during maternity leave. Also, seniority should be adjusted appropriately where it is shown that discriminatory hiring practices were instrumental in refusal to hire a person.

Difficult problems may arise when layoffs disproportionately affect women or other recently hired under-represented groups. In times of recession and consequent layoffs, the "last hired-first fired" principle can erode the inroads which the under-represented groups have made, as a result of affirmative action, into jobs which were previously closed to them. However, the importance of the integrity of seniority systems to workers in Canada requires that solutions to this dilemma be arrived at through negotiation between unions and employers. Union participation is crucial

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in order to avoid a situation in which individual workers bear the burden of employer discrimination against under-represented groups. This issue cannot be viewed as a contest between members of disadvantaged groups and older established workers for scarce jobs, for this approach assumes that one worker must suffer if another is to gain. We recommend that employers assume responsibility for past discriminatory employment practices, and be compelled to justify layoffs which threaten the employment gains of disadvantaged groups.

The CLC has always viewed equal pay for work of equal value as one of the cornerstones of any effective affirmative action program. In 1976, the Canadian Labour Congress Constitutional Convention adopted a Declaration on Equality of Opportunity and Treatment for Women Workers, which included a resolution supporting the principle for equal pay for work of equal value. We support the principle of equal pay for work of equal value because we believe that one of the greatest barriers standing in the way of arriving at full employment equality for women today is the occupational segregation of work among the sexes, and the accompanying undervaluation of women's jobs.

It has been well-documented that women in the work force are clustered into the lowest-paying jobs, and that the market has incorporated discriminatory attitudes into its wage-setting mechanisms. According to the 1984 annual report of the Public Service Commission, approximately 40% of the employees of the federal government are women. These women are clustered into low-paying job categories, which means on the one hand that they earn substantially less than male civil service employees, and on the other that they have little opportunity for advancement. In fact, 62% of all women employees are in the Administrative Support Category of the federal public service, whereas men predominate in every other occupational group. In terms of income, in all salary groups from $25,000 and up, men outnumber women, from a low of 67.6% in the $25,000 to $29,999 category, to a high of 99.1% in the $80,000 and up group. The purpose of reciting these statistics is to highlight the fact that the federal public sector, no less than any

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other employment sector in Canada, discriminates against women workers with respect to compensation.

Over the years, it has become apparent that the principle of equal pay for equal work can only identify disparities in pay when two parties perform the same work. It ignores occupational segregation of work between the sexes. Thus, the enactment in 1978 of section 11 of the Canadian Human Rights Act, providing for equal pay for work of equal value, was a substantial step forward for the public and private employees in Canada who fall under the jurisdiction of this Act. However, the Commission should not merely play a passive role, and await the filing of complaints before moving to rectify pay inequalities. We recommend that the Canadian Human Rights Commission should, on an ongoing basis, investigate compliance with equal pay for work of equal value requirements, and initiate complaints in appropriate circumstances. We also support the recommendation of the Abella Commission that greater resources be allocated for enforcement of section 11, both through the Canadian Human Rights Commission and through the machinery available under section 38.1 of the Canada Labour Code. A right to equality such as that held out by section 11 is no right at all unless the enforcement of it is guaranteed, and swift.

We note with some dismay that in recent proposed guidelines the Canadian Human Rights Commission has proposed to restrict job comparisons under section 11 to employees of a given employer governed by a common set of personnel and compensation policies. It is our view that this has the potential to unduly restrict the type of inquiries that should be undertaken by the Commission. Where different job classifications are covered under separate collective agreements, or where one job classification is covered by a collective agreement and the other is not, it might be argued that these classifications cannot be compared for the purpose of section 11 since no common set of compensation policies exists. If the proposed guidelines had the effect of precluding such a comparison, they could seriously jeopardize the right of employees of the same employer to receive equal treatment across occupational categories with respect to the right to equal pay for work of equal value. We recommend that the Canadian Human Rights Commission revise its proposed guidelines to ensure

that appropriate comparisons be made between groups covered by different compensation clauses.

We must stress that if equal pay for work of equal value is to be successfully implemented, unions must play an important role in its negotiation and implementation. The discriminatory provisions of the Public Service Staff Relations Act have hampered unions in their efforts to bring equal pay for work of equal value to the bargaining table by imposing restrictions on the scope of bargaining. Unions must be able to bargain on classification systems and on job evaluation in order to effectively represent their members on the issue of equal pay for work of equal value. We have seen how the Public Service Alliance of Canada was prevented from doing precisely this when library workers in the public sector in 1978 alleged that historical researchers were doing work of equal value and yet were being paid substantially more. A conciliation board found the matter to be a non-negotiable issue because there were different job evaluation schemes in place for the two groups and thus, in order to resolve the matter, the system of classification and evaluation of jobs in the public sector would have to be addressed. In light of section 15 of the Charter, we recommend that legislation governing federal government employees be amended to remove restrictions on the right of unions to bargain on employment equality issues for federal government employees.

Finally, government itself has a special responsibility for implementing equality in employment. One of the ways it can fulfill this responsibility is through the mechanism of contract compliance, which enables the government to use its spending power in support of the important goal of equality in employment. The CLC recommends the use of contract compliance, to ensure that firms doing business with government institute approved affirmative action programs, including equal pay for work of equal value.

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IV. Conclusion

This brief has not attempted to provide an exhaustive analysis of all the inequalities in law. programs and policies which will be affected by section 15 of the Charter. However, it is our view that the specific areas that we have addressed in this brief are of crucial importance if the federal government is to meet its responsibility to enact or amend legislation and practices in order to comply with the equality guarantee. Moreover, we wish to emphasize once more that any conception of equality rights which does not take into account the existing inequality of resources is inadequate. In order to fully and effectively participate in the "free and democratic society" which the Charter is designed to protect, Canadians must be free from the social and economic barriers which today deny equal participation in society. The proposals we have outlined represent initial steps towards the attainment of this goal.

Respectfully submitted on behalf of the

CANADIAN LABOUR CONGRESS

Dennis McDermott, President
Shirley G. E. Carr, Secretary-Treasurer
Richard Mercier, Executive Vice-President
Dick Martin, Executive Vice-President

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RECOMMENDATIONS

1. That interventions be allowed in Charter decisions by the Supreme Court of Canada, by affected groups either through written brief or oral presentation.

2. That issues that are negotiable in the private sector should be negotiable in the public sector.

3. That restrictions on the political rights of public employees be removed.

4. That the Public Service Staff Relations Act be rescinded and federal public employees be covered by the Canada Labour Code which would also extend collective bargaining rights to part-time workers.

5. That Section 44 of the Unemployment Insurance Act be amended to ensure that it no longer discriminates on the basis of union affiliation.

6. That the qualifying period for unemployment insurance be amended to eight weeks regardless of place of residence.

7. That stricter eligibility requirements for new entrants to the labour force be repealed.

8. That maternity benefits be fully paid and that parental leave should be extended to both parents to share as they see fit.

9. That the Unemployment Insurance Act be amended to provide benefits to part-time workers who earn at least 10% of the maximum insurable earnings.

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10. That Section 16 of the U.I. Regulations be repealed so that farm workers are not singled out by being subject to a seven-day period of employment to establish eligibility for benefits.

11. That Section 31 (4) of the U.I. Act be amended to remove the age 65 cut-off date for unemployment insurance benefits.

12. That efforts be increased to explain relevant legislative provisions to all persons and that claimants not be prejudiced by their failure to understand the requirements of the U.I. Act.

13. That the federal government follow the example of Manitoba and enact pension legislation prohibiting differential, benefits or contributions based on sex.

14. That legislation be amended to provide improved portability and mandatory inflation protection in pension plans.

15. That the federal government implement its budget proposal that pensions covered by the Pension Benefits Standards Act be available to part-time workers and that the threshold earnings level be reduced from the presently proposed level of $8,000 per year in 1985.

16. That vesting be achieved after two years of plan membership or two years of service with an employer whichever occurs first.

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17. That the right of spouses to share in private pension benefits be recognized by: entitling surviving spouses of plan members who have retired at the time of death, to a minimum of 60% of the amount payable had both spouses lived; splitting pension benefits between partners on marriage breakdown; giving spouses as well as plan members rights to information about the plan.

18. That credit splitting under C/QPP occur in all marriage situations, whether or not marriage breakdown occurs.

19. That an increase in benefits provided under C/QPP be recognized as a crucial and necessary aspect of pension reform.

20. That legislation be introduced that requires affirmative action be a subject of collective bargaining; that unions participate in the formulation and implementation of such legislation; and that the legislation include provision for an enforcement mechanism.

21. That targets and timetables be recognized as an important part of affirmative action programs.

22. That employers assume responsibility for past discriminatory employment practices and be compelled to justify layoffs which threaten the employment gains of disadvantaged groups.

23. That equal pay for work of equal value be recognized as a cornerstone of affirmative action and a solution to the barriers of occupational segregation and the undervaluation of women's jobs.

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24. That the Canadian Human Rights Commission should on an ongoing basis, investigate compliance with equal pay for work of equal value requirements and initiate complaints in appropriate circumstances.

25. That the Federal Government comply with the recommendation of the Abella Commission that greater resources be allocated for enforcement of Section 11 of the Canadian Human Rights Code and Section 38.1 of the Canada Labour Code.

26. That the Canadian Human Rights Commission revise its proposed guidelines to ensure that appropriate comparisons be made between groups covered by different compensation clauses, in equal pay complaints.

27. That legislative restrictions on the right of federal public employees to bargain employment equality issues be removed.

28. That the federal Government introduce contract compliance to ensure that firms doing business with government implement approved affirmative action programs, including equal pay for work of equal value.

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